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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 LEON LEE MEYERS,

No. C-09-0857 TEH (PR)

12 Plaintiff,

13 v.

ORDER OF DISMISSAL WITHOUT
PREJUDICE

14 ALAMEDA COUNTY SHERIFF, et. al.,

15 Defendants.
16 _____/

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18 On February 27, 2009, Plaintiff, a pretrial detainee
19 housed at the Alameda County Jail, Santa Rita Facility, in Dublin,
20 California, filed a pro se Complaint under 42 U.S.C. § 1983 alleging
21 violations of his constitutional rights. Specifically, Plaintiff
22 alleged that: (1) beginning on April 21, 2008, unidentified Santa
23 Rita Jail officials were deliberately indifferent to his serious
24 medical needs with respect to his dental care; and (2) on or around
25 June 17, 2008, unidentified Santa Rita Jail officials were
26 deliberately indifferent to his safety by placing him in a holding
27 tank with a known enemy he knew only as "Lucky." Doc. #1.

28 On April 22, 2009, Plaintiff filed a First Amended

1 Complaint in which he again alleged that unidentified Santa Rita
2 Jail officials were deliberately indifferent to his safety, this
3 time referring to an incident that took place on or around March 31,
4 2009, when officials placed him in a holding tank with "Lucky."
5 Doc. #3.

6 On June 17, 2009, the Court dismissed both the original
7 Complaint and the First Amended Complaint, with leave to amend.
8 Doc. #6. In its Order, the Court noted that, liberally construed,
9 Plaintiff's allegations appeared to state cognizable § 1983 claims
10 for deliberate indifference to his serious medical needs and to his
11 safety, but that the pleadings were deficient because: (1)
12 Plaintiff failed to identify individual Defendants by name and set
13 forth specific facts as to how each individual Defendant proximately
14 caused the deprivation of Plaintiff's federally-protected rights;
15 and (2) the pleadings contained unrelated claims against unrelated
16 Defendants and therefore were joined improperly. Id. at 6. The
17 Court afforded Plaintiff 30 days to file a Second Amended Complaint
18 to correct the pleading deficiencies. Id. at 6-7.


19 On July 17, 2009, Plaintiff filed a Second Amended
20 Complaint. Doc. #7. Unfortunately, this document fails to correct
21 the pleading deficiencies the Court noted in its prior Order. See
22 id. at 9 ("though I don't have specific names [of Defendants] as of
23 yet I know that through the proper channels that this can be
24 accomplished"; id. at 10 (emphasis added) ("Plaintiff will include
25 all relevant documents with names, times and dates as soon as they
26 are made available").

1 Under these circumstances, i.e., where Plaintiff fails to
2 identify by name individual Defendants and set forth specific facts
3 showing how the identified Defendants caused the deprivation of
4 Plaintiff's federally-protected rights, this action cannot proceed.
5 The action therefore will be DISMISSED WITHOUT PREJUDICE, subject to
6 Plaintiff refiling a new civil rights Complaint that identifies
7 individual Defendants by name and sets forth specific facts showing
8 how each individual Defendant proximately caused the deprivation of
9 Plaintiff's federally-protected rights; and (2) contains all related
10 claims against all related Defendants. Plaintiff is advised that,
11 should he choose to refile the action, he must file a new
12 Application to Proceed In Forma Pauperis.

13 The Clerk is directed to terminate any pending motions as
14 moot and close the file.

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16 IT IS SO ORDERED.

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19 DATED 07/23/09



THELTON E. HENDERSON
United States District Judge

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